REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-25 in the application. In the present response, the Applicant has amended independent Claims 1 and 13 to substantially include a limitation from dependent Claims 11 and 23, respectively. As a result, dependent Claims 11 and 23 have been amended also. Support for the amendment can be found, *e.g.*, in paragraph [0034] of the original specification. No other claims have been canceled or added. Claims 1-25 are currently pending in the application.

I.   Rejection of Claims 1-25 under 35 U.S.C. §103

The Examiner rejected Claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over Patent Application Publication No. 2001/0049263 to Zhang (hereinafter "Zhang") in view of U.S. Patent Application Publication No. 2003/0032408 by Jennings (hereinafter "Jennings") for Claims 1-6, 10-18, and 22-25; and U.S. Patent Application Publication No. 2004/0075675 by Raivisto, *et al.* (hereinafter "Raivisto") for Claims 7-9 and 19-21. The Applicant respectfully disagrees in view of the present amendment.

Independent Claims 1 and 13, as noted above, now contain a limitation from dependent claims 11 and 23. More specifically, independent Claims 1 and 13 now recite that collected data associated with at least one malfunction of at least one of individual components and procedures embedded within a mobile communications apparatus is weighted based on a severity of the malfunctions prior to transmitting the data so that severe and less severe malfunctions are easily detectable and distinguishable from one another. In the rejection of dependent Claims 11 and 23 in the pending action, citing paragraphs [0021]-[0067], the Examiner asserts that Zhang discloses a

7

method wherein data is weighted based on severity of a malfunction. (*See* Examiner's Action of February 12, 2009, page 5.) The only reference the Applicant finds in the cited portion of Zhang with regard to a severity of a malfunction is that in paragraph [0035] which states that maintenance task module 310 analyzes each error to determine if they are errors which have been previously reported or if they are new errors and the *importance of the errors*. The Applicant fails to find any teaching or suggestion in the cited portion of Zhang of a weighting based on the severity of a malfunction, where the weighting is performed prior to transmission of the data, and where the weighting allows for easy detection and easy distinguishing of less severe vs. severe malfunctions.

As such, the cited portion of Zhang does not teach or suggest each and every element of presently amended independent Claims 1 and 13. Jennings has not been cited to cure this deficiency of Zhang, but to teach collecting data on a subscriber information module (SIM) card. (*See* Examiner's Action of February 12, 2009, page 3.) Additionally, Raivisto has not been cited to cure the above-noted deficiency of Zhang, but to teach the subject matter of dependent Claims 7-9 and 19-21. (*See* Examiner's Action of February 12, 2009, pages 6-7.) As such, the cited portions of the cited combination of Zhang, Jennings, and Raivisto, as applied by the Examiner, do not provide a *prima facie* case of obviousness of presently amended independent Claims 1 and 13 and Claims that depend thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §103(a) rejection of Claims 1-25 and allow issuance thereof.

Citing paragraphs [0029] and [0039]-[0042], the Examiner asserts in the pending action that Zhang teaches the limitations of dependent Claims 4 and 16, namely that the data are coded in a space-efficient format prior to performing radio transmitting. (*See* Examiner's Action of February 12, 2009, page 4.) The cited portions of Zhang teach that the content of messages between mobile

8

station 110 and service center 130 are encrypted. As noted in paragraph [0013] of the original

specification, coding of collected data prior to transmission is done so in a space-efficient format for

limiting the bandwidth needed to transfer the data. The Applicant respectfully contends that

encrypting the data, as taught by the cited portions of Zhang, increases the size of the data transferred

and, since the data is not in the most space-efficient format, more, not less, bandwidth is needed to

transfer the data. Thus, the cited portions of Zhang do not teach or suggest the limitations of

dependent Claims 4 and 16.

II.   Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-25.

The Applicant requests the Examiner to telephone the undersigned agent of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.   The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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